

Law (General) (1931) Department.

Ms SERIES.

G.O. No. 3448

DATED 11--9-1931

[Despatch Abstract.]

Motor Vehicles - Driving licence - U.P. Shankershan Rai - South
Kanara District - Permanently disqualified ~~from~~ obtaining
a licence.

L (General)

DEPARTMENT.

Lff 86644
3-8-31
C.F. 30.

Received 19 Registered 19

Subject.

Motor Vehicles - Driving licence - Driver J.R. Shanmugam. -
Cancellation and permanent disqualification - Recommended.

ENCLOSURES.

No.

Spare copies

Ref. C.1- No. 6018-31.

Station Bangalore, Dated the 31st July 1931

From (Name) Khan Bahadur J. Hussain, Barrister-at-law,
(Designation) District Magistrate of South Arcot.

To The Secretary to the Government of Madras,

Law (General) Department,

Sir,

I recommend that the Government may be pleased to
cancel the driving licence granted under Section 6 of the
Indian Motor Vehicles Act, 1914, to the person named and
and to declare him permanently disqualified from obtaining
a licence under the said Act to drive a motor vehicle.

2. This driver is a habitual offender under the
Motor Vehicles Rules and has eleven convictions on his
credit which he earned within a space of two years
detailed in his enclosed licence. One of these convictions
was in respect of a charge for carrying a load in excess of
the weight allowed and for driving his car rashly and negligently. In view of the
above it is unfit to hold a licence.

6/8/31
J. Shanmugam

The Minister
for Law
3-8-31

13-8

- 1. Driver's name ...
- 2. Mr. father's name ...
- 3. Distinguishing identification. ...
- 4. Caste ...
- 5. Permanent residence. ...

~~5'6" height - Dark & Thin built - oval shape face~~
5'6" height - Dark & Thin built - oval shape face
Wound scar on the inner side of left knee

Handwritten signature
7.7.57

mon
3/7/57

3

Law (Gen) Dept

3664A Memo No. 3664A-1, dated. 6-8-31

ed
G/8

1/68

Motor Vehicle - Driving License - India
Driver - C.P. Shankerham Rao -
Cancellation and permanent
disqualification.

From the Dir. South Kanara
Ref No C-1-6518-31 of 31.7.31.

The D. M. South Kanara
is requested to forward a copy of
the judgment in the case in
which ^{the driver was} ~~it is reported to have been~~
convicted for having caused the
death of a person by rash &
negligent driving.

#55-8.

Dir.	Dpd. by	EST
20th/Jan/31	2/5	

4-8-31
Cm
4/8

LAW (GENERAL)

4
~~DEPARTMENT.~~

Received 19

Registered 19

2.9 3855A
17/8/31

Subject.

Motor Vehicles - Driving licence - Motor driver -
U. P. Shanker Shan Pai - cancellation and permanent
disqualification.

Government Memorandum No.3664-A1, dated 6-8-1931.

ENCLOSURES.

No.

No. Ref.C.1-6518-31.

Spare copies

Station Mangalore, Dated the 13th August 1931.

From (Name) Khan Bahadur J. Hussain, Bar-at-Law,
(Designation) Dt. Magistrate of South Kanara.

To The Secretary to the Government of Madras,

Law (General) Department,

M a d r a s.

Sir,

I enclose a copy of judgment in C.C.94/30 on
the file of the Sub Divisional Magistrate, Puttur in
which the driver was convicted for having caused the
death of a person by rash and negligent driving.

For Dt. Magistrate.

M.D'S.13/8.

4.8.31

In the Court of the Sub Divisional 1 Class magistrate, Puttur
Division.

JUDGMENT IN CALENDAR CASE No. 94 1931 ON THE FILE
OF THE Sub.Divl.I Class MAGISTRATE OF Puttur Division.
Dated the 4th day of February 1931.

Present:- M.R.Ky. T.M.Mallikarjuna Ayyar, Avl., B.A.

Complainant King Emperor (Charge sheet in
F.I.No.49/30 of Buntwal Station.)

Accused U. P. Shanker shan poi.

Offence Negligently driving a taxi
on the public road, resulting in the death
of a person. Sec. 5 of the M.V. Act.
Driving a taxi without a g. permit.
Rule 301, of the rules framed under
the M.V. Act.

Finding Guilty.

Sentence To pay a fine of Rs.100/- or
to undergo simple imprisonment
for one month under section 5
of the Motor vehicles Act. and
to pay a fine of Rs.15/- in
default to suffer simple imprison-
ment for 15 days under section 16
of the motor vehicles Act.

Serial number.	DESCRIPTION OF THE ACCUSED.						DATE OF				Explanation of delay.	
	Name.	Father's Name.	Caste or race.	Occupation.	Residence.	Age.	Occurrence.	Complaint.	Apprehension or appearance.	Commencement of trial.		Close of trial.
1	2						3					
1.	U.P. Shankershan Poi	Purushothum Poi.	Gowda Paraswith Brahmin.	Merchant and taxi driver.	Puttur.	25 years,	11--10--1930. Golthamajal.	to the Police on 11-10-30. received by transfer on 17-12-30.	5--1--31.	31--1--31.	3--2--31.	Judgment pronounced on 4-2-31. proceedings sent to the District superintendent of Police. Fine not paid. Accused granted time till 19-2-31.

Sub Divisional Magistrate.

Sd/- in the name of, Magistrate
Sub Divisional Magistrate.

7/17

J u d g m e n t .

The accused is put up by the police for an offence under section 16 of the Indian motor vehicles act for having contravened rule 30-(1) and 27-(c) of the rules under the above act. He is also charged for an offence under section 304-(a) I.P.C. or in the alternative under section 5 of the Indian motor vehicles Act VIII of 1914.

2. The following are the facts of the case:- The accused was driving his taxi bearing No. S-K.607 from Puttur to Mangalore on 11-10-30 at about 7 A.M. In the taxi there were passengers whom the accused was taking to Mangalore for hire. On that date he had no "G" permit for the taxi. Near the Kalladka gate at 19-5 mile - one Parameshwara was going along the road towards Mangalore on the right side of the road. The C.P.C. bus was going in advance of the taxi. The accused wanted to overtake it and turned a little to the right on the road. While so doing the taxi dashed against the person Parameshwara who was walking along the road. He fell down in the road, got injuries and subsequently died in the Suntwal Hospital on the same day.

3. Nine witnesses have been examined for the prosecution. P.W.s 1 and 3 are the persons who actually saw the deceased falling down on the road when the taxi passed him. They have their houses near the locality and from their houses they saw the taxi running and also the deceased going along the road. Soon after the accident P.W.1 went and saw the deceased on the road fallen unconscious and he had injuries on the head. At the same time P.W.3 also went there and saw the man fallen on the road unconscious, P.W.1 went to the toll-gate and ascertained from P.W.4 - the toll-gate keeper that the taxi which passed just then belonged to the accused and that the accused was driving the taxi. From the toll-gate P.W.1 went to Suntwal and gave the complaint ex:-A in the police station. The Sub Inspector of Police (P.W.7) immediately went to the spot, took the man Parameshwara in a car to the hospital at Suntwal.

the doctor (P.W.2) examined the man Parameshwara and found he had three injuries on his person as detailed in the wound certificate in th- EX:3. Soon after he was brought, the man died in the hospital and P.W.2 held post-mortem examination over his body and gave the post-mortem certificate EXC.

4. P.W.4 is the toll-gate keeper at Lalilaka gate and his evidence is that he saw the taxi of the accused passing that morning and that the accused was driving the car. He gave out the name of the accused and the number of the taxi to P.W.1 when he asked him about it. P.W.5 is the Patel of Solthamajil within the limits of which the place of accident lies. He sent his report EX:- D about the accident. P.W.6 merely identified the deceased as Parameshwara of Marekal village. P.W.7 is the sub inspector of Police who investigated into the case. He also proves that the accused had no "G" permit on that date for that taxi. P.W.8 is one of the passengers who was inside the taxi on that day. P.W.9 is a Police Constable who was present when the post-mortem examination was conducted by P.W.2.

5. The accused admits that he had no "G" permit on that day and he says that he knows nothing about the accident or the death of Parameshwara.

6. There is no/doubt whatever that the deceased met his end by having come in contact with the taxi which the accused was driving. But the question for consideration is how far the accused is responsible for the accident and the deceased sustained &/ the injuries. Did the wheel of the taxi pass over the head of the deceased or did he sustain the injuries by being hurled down or were they due by some part of the taxi dashing his person? These questions have perplexed me much and with the evidence available I am unable to come to any really decided conclusion. P.W.1 and 3 saw the man falling down from a distance and they are unable to say if the wheel of the taxi passed over the head of the deceased. P.W.3 says that the taxi went and dashed against the man and that he saw the mudguard came in contact with the leg of the deceased. P.W.8 says

that he was seated in the middle seat to the right side and he says that he did not see any man striking against the taxi. He merely heard as though some ~~some~~ saman fell down and as the samans were in tact the taxi went on without stopping.

7. There is then the evidence of the medical officer (P.W.2) the wound certificate and the post-mortem certificate granted by him. The wound certificate shows that the deceased had three injuries - (1) a contused swelling on the whole of the left side of the forehead with a lacerated wound exposing cranium and showing a vertical depressed fracture of the frontal and the squamous portions of the temporal bones, (2) a lacerated wound skin deep over the back of the middle left arm and (3) an abrasion on the outer side of the left knee. It is to be remembered that the man was going towards Mangalore in the same direction as the taxi was going and all the injuries were on the left side of the body. The injuries Nos. 2 and 3 i.e., in the arm and the leg are of simple nature. The serious injury was on the left side of the head. The Medical Officer says that the wheel of the taxi might have passed vertically on the left side of the head. But P.W.8 who was in the taxi says that there was no jerking or bumping of the taxi. And from the nature of the injuries and their position I think it is more probable that the injury on the head was caused not by the wheel passing over the head but some hind part of the taxi coming in contact with the head and dashing the head when the taxi was going with a rapid speed. Subsequently the man should have fallen down on the road and the injuries Nos. 2 & 3 were caused by such fall. It is on evidence that the deceased was going with a closed umbrella across his shoulders and P.W.3 says that one end of the umbrella was found crushed. The man had fallen with head towards mangalore side and legs towards Ruttur side. All these facts lend support to the above theory that the man was dashed by some hind part of the taxi which probably first struck the umbrella which was protruding and then the man.

5. But all the same the accused cannot be said to be free from all responsibilities for the accident. The road was wide enough and there were no cars or carts going on the road then. He

could have turned the taxi aside and go quite clear of the man.

I hold the accused responsible for not doing this. He drove his taxi clearly negligently. He might not have even seen or observed the accident as he drove away without stopping. But he cannot be absolved of all responsibility in the matter.

9. A charge was framed against him under section 5 of the Indian Motor Vehicles Act VIII of 1914 for having negligently drove his taxi on the public road resulting the death of one Parameswara. He says that he knows nothing about the matter. Another charge framed under section 16 of the above said act for having contravened the rule 30(1) of the rules framed under the Act 5, driving his taxi for hire without a "G" permit, he pleads guilty.

10. He does not want to further cross-examination in the P.W.s and he has no defence witnesses to examine on his behalf. I find him guilty of both the charges framed against him. I sentence him to pay a fine of Rs. 100/- under section 5 of the Indian Motor Vehicles Act or in default to undergo simple imprisonment for one month. Under section 16 of the above act I sentence him to pay a fine of Rs. 15/- and in default to undergo simple imprisonment for 15 days.

(Sd) T. ... Mallikarjuna Ayyar,
4---2---1931.
Sub Divisional Magistrate.

Witnesses examined for

Prosecution:-

1. Moidin Beary.
2. Dr. K.S. Amrith Rao.
3. Koraga Poojari.
4. Venkatesha Prabhu.
5. Sadashivayya, Potail.
6. Mundappa Alva.
7. Mr. S.M.D'Souza.
8. Mr. K. Uggappa Shetty, Advocate.
9. Krishnappa, Ag. Head Constable 591.

Defence:- Nil.

11/24

Exhibits file for

Prosecution:-

- A, 11-10-30. Complaint before the police.
- B. 11-10-30. Wound certificate.
- C. 12-10-30. Post-mortem certificate.
- D. 11-10-30. Pottail's report to the police.
- E. 11-10-30. Observation vadast.
- F. 31-1-21. Sketch of the locality.
- G. 11-10-30. Inquest report.

For defence:- N i l .

Material Objects Marked:- N i l.

(Sd) T.M.Mallikarjuna Ayyar,
Sub Divisional Magistrate,

(True Copy.)

Mallikarjuna Ayyar
Sub Divisional Magistrate.
19.7.37

Sub : - Motor Vehicles - Driving licence - Motor Driver - C.P.Shankersham Pai - cancellation and permanent disqualification.

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From the D.M.S.Kanara, Refce 1-6538-31, dated 31st July 1931.

To the D.M. S.Kanara, Memo No. 3664 A -1, dated 6th ^{aug} 1931.

From the D.M.S.Kanara, Refce 1-6518-31, dated 13th August 1931.

The D.M.S.Kanara recommends the cancellation and permanent disqualification of the above driver for the reason that he is a habitual offender against the Motor Vehicles Rules. The driver has had eleven convictions within 2 years. - vide details of conviction in the driving licence put up. The 7th conviction was for causing the death of a person by rash and negligent driving - vide Judgment at pp.5-10. c.f.

For orders whether the recommendation of the D.M. to disqualify the driver permanently will be accepted.

He is a rash driver & an incorrigible offender against the motor vehicle rules having actually committed eleven offences in two years. His latest performance, knocking a man down & killing him, seems to have been due more to carelessness than to criminal negligence, still a man who goes on deliberately breaking the law, despite punishment after punishment, does not seem to me

H-1-247

H-3-CP

H-1-CP

H-1-CP

Handwritten BCF

to be fit, ever to hold a license.
His license may be permanently
cancelled, as recommended by
the S.M.

Agree 26/8
W.L.
16/8/31



C1

Draft submitted.
45.16.9

ND
2837
919

	Date.	Initials.
When received for Fair-copying.		
When copied	..	
When examined	..	
When signed	..	
When despatched	..	

Motor vehicles.
Driving license. Shankar Khan Pai.
South Kanara District - Permanently
disqualified from obtaining a license.

36/11

READ AGAIN G.O. No., dated 19 ..

READ ALSO:—

C. No. 3664A. From the Dist South Kanara. Ref No. 1-65/8-3/dated 31.7.31. 19 ..

.. .. 19 ..

.. .. 19 ..

ORDER.
ms

No. 3448, dated 11-9-1931

Under clause (iii) of subsection (1) of Section 18 of the Motor Vehicles Act 1914, the Govt. hereby declare that the person described below shall be disqualified permanently for obtaining a driving license under the said Act:

Name - Shankar Khan Pai.

Father's name - Dr. Purushottama Pai.

Distinguishing Markers of 5'6" height - dark and thin built, oval shaped face
identifying frank wound scar on the inner side of the left hand
marks Hidden Goud Saraswat Brahmin.

Permanent Residence - Puttur, South Kanara District

f 2 of.

For publication of the order to the public.
 For the South Kanara District.
 For the District Officer.
 For the District Officer.
 For the District Officer.
 For the District Officer.

10/9
 9/9/31
 919

10/9